

Mayor & Council/Planning Commission Workshop Minutes April 5, 2005

Commission Members Present: Chair Ed Gladstone, Secretary Connie Koenig, Council Liaison Walt Stull, Wayne Dougherty and Ellis Burruss, Alternate.

Mayor & Council Present: Mayor Carroll Jones, and Councilmen Walt Stull, Brent Bell, James Castle, Debbie Greenfield, Beth Johnson and Tom Smith.

Staff Present: City P & Z Administrator Rick Stup, and City Administrator Dave Dunn.

Mayor Jones and Chairman Gladstone called the meeting to order at 7:00 PM.

Mayor

Mayor Jones had opening comments.

Chairman

Mr. Gladstone had no opening comments.

At the request of Mayor Jones and Chairman Gladstone, Mr. Stup presented the overview of the workshop. Ordinance 418 was defeated by a 5-1 vote at the March 22 Mayor & Council Meeting. At the request of the Mayor, Council attempted to furnish direction to the Planning Commission with regard to the sidewalk issue. After some discussion, it appeared that clear direction would be difficult to achieve and a joint workshop was requested to discuss the matter.

Proposed Ordinance 418 - Sidewalk Language

Discussion

In accordance with the March 10, 2005 letter to the Council from Chairman Gladstone, the Council will advise the Commission what revised language would be acceptable for another Text Amendment for Article 6 of the Zoning Ordinance.

Staff Presentation

Mr. Stup presented failed Ordinance 418, the March 10 letter, and Section 6.3 of the Zoning Ordinance. After a review of the two issues, he stated that the Planning Commission would discuss how to proceed after the joint workshop.

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Mr. Stup answered questions from Council and Commission members. In addition, he clarified how the Design Manual and Board of Appeals fit into the process, and asked clarification with regard to implementation of the current Master Plan for Stream Valley Parks System and pedestrian access to those areas. An exchange ensued between the Council and Commission. The item is scheduled for discussion at the April 25 Planning Commission meeting to determine the direction that the Commission wants Staff to go with the item.

The following are specific items that arose from participants:

Mr. Gladstone – Commented on Lots of Record construction problems, sidewalk requirement history, and legal concerns for enforcement if Lots of Record are exempted from infrastructure requirements when needed. He stated that he has not found a written exemption from sidewalk construction for Lots of Record.

Mr. Smith – Stated that sidewalks should only be required on Lots of Record when they already exist on the streets, and there is a need for written consistency in application of requirements.

Mayor Jones – Stated that there needed to be a starting point to require sidewalks and infrastructure, and the issues should be dealt with a block at a time. He gave the following examples: no houses on a block – then sidewalks would be required for all houses in the future, 51% of the houses in a block had sidewalks – all future building would require sidewalks, and 51% had no sidewalks – any future building would not require them. He further stated that, there appeared to be too much specificity required to draft an ordinance acceptable to the entire Council and felt that a written Commission policy was the best avenue, and hoped that the commission would solicit comments from the Council before enacting any written policy.

Ms. Koenig – Commented that she felt that all new construction should be required to provide the necessary infrastructure to include sidewalks. The only way to achieve safe pedestrian access throughout the City is to eliminate exceptions. A variance or modification process needs to be included but granted only when justified. She felt that if there was a hard surfaced street, sidewalks should be required. She recommended that the City consider using the “front foot benefit assessment” avenue as a means of constructing sidewalks in all parts of the City and construct some each year.

Mr. Bell – Commented that he remembered that former City Attorney Tisdale had stated that the city could not require Lots of Record to construct sidewalks. (Upon request, Mr. Stup replied that written guidance with regard to the sidewalk issue from past City Attorney’s was not found and Mr. Clapp indicated that there wasn’t any when questioned.)

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Mr. Stull – Commented that his experience is that sidewalks keep kids out of the streets when playing and walking.

Mr. Dougherty – Commented that they should be required only when adjoining another walk.

Ms. Johnson – Commented that she was generally in favor of sidewalks but felt a percentage should possibly be used to determine if/when Lots of Record were required to provide walks.

Mayor Jones presented closing statements on the proposed amendment and reminded the assembled body that there was a lot of discussion about sidewalks but the issue at hand dealt with issuance of Zoning Certificates. He reiterated his hopes that, if the Planning Commission moved forward with a written policy, the Council would be asked to supply comments on the Policy. He acknowledged that any comments forwarded to the Planning Commission would be non-binding.

Adjournment

The meeting was adjourned at 7:05 PM.

Respectfully submitted,

Connie Koenig, Secretary
Brunswick Planning Commission